

ADVISORY COUNCIL ON TIDAL FINFISHERIES



MINUTES OF September 18, 2019



DNREC Auditorium, 89 Kings Hwy SW, Dover, DE 19901
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ADVISORY COUNCIL

Dewayne Fox, Ph.D., Chair
Bernie Pankowski
Brian Hoffecker
James "Jay" Little
Marvin Kahl, Jr.
P. "Wes" Townsend (*Absent*)
Joseph Smith

DIVISION OF FISH & WILDLIFE

John Clark
Stew Michels
Jason Boucher
Captain Nick Couch
David Saveikis, Director

PUBLIC

7 Visitors

Agenda Item 1. Welcome

Chairman Dewayne Fox called the meeting to order at 6:00 PM and welcomed everyone.

Agenda Item 2. Approval of April 17, 2019 Meeting Minutes

A motion was made and seconded and the Council voted unanimously to accept the April meeting minutes as written.

Agenda Item 3. Regulatory Update – Stew Michels, Fisheries Program Manager, stated that the public hearing on the proposed Lobster and Jonah Crab regulation was held on May 23, 2019, and the final regulation became effective on September 11, 2019. The draft regulations for Cobia, which will adopt either the default *de minimis* measures or the measures of the nearest *non-de minimis* neighbor (Virginia), are awaiting referral to the Deputy Attorney General. Draft regulations necessary to comply with HB 341 (Apprenticeship Program) and the Coastal Sharks Fisheries Management Plan (FMP) are under review.

Agenda Item 4. Mid Atlantic Fisheries Management Council (MAFMC) – Stew Michels, Fisheries Program Manager, stated that the Atlantic Mackerel fishery caught its Shad and River Herring bycatch limit in less than 2 months, resulting in the closure of the 2019 directed Atlantic Mackerel fishery. MAFMC approved keeping the 2020 Atlantic Mackerel specifications status quo to the 2019 specifications and maintaining the Shad and River Herring bycatch cap of 129,000 metric tons.

Agenda Item 5. Atlantic States Marine Fisheries Commission (ASMFC) – John Clark, Fisheries Administrator, summarized results from the previous ASMFC meeting and previewed actions that will likely be taken at the upcoming meeting. The South Atlantic Board approved Amendment 1 to the Atlantic Cobia FMP, which finalized the transfer of management responsibility from the South Atlantic Fishery Management Council to ASMFC. The Atlantic Menhaden Board kept the 2020 total allowable catch at 216,000 metric tons. ASMFC held a public hearing in Delaware on Striped Bass Draft Addendum VI to the Striped Bass FMP to obtain public input on the management options. At the upcoming ASMFC meeting, a draft Addendum to change the management triggers for Croaker and Spot will be approved for public comment; the American Eel Board will finalize the draft coast-wide cap coverage policy; the

Horseshoe Crab Board will set the 2020 specifications; the Spiny Dogfish Board will consider approving Addendum 6, which will allow catch transfers between states; and the Summer Flounder, Scup and Black Sea Bass Board will discuss Black Sea Bass management and 2020 specifications. Finally, the commercial Tautog harvest tagging program will be implemented in 2020 for which the Division will distribute tags provided by ASMFC to commercial fishermen.

Agenda Item 6. Review a possible regulation to allow anchor netting in the Delaware River between Liston Point and the Appoquinimink River – Council. Chairman Fox read the current regulation describing the areas open for anchor gill netting, followed by a reading of a draft regulation the Division provided at the previous request of the Council to extend the anchor netting area in the Delaware River from Liston Point to the mouth of the Appoquinimink River. **Councilor Brian Hoffecker** summarized his conversations with commercial netters and the Division's Enforcement Section regarding extending the anchor netting area in the Delaware River. Commercial fishing netters support and the Division had no objections to extending the area. The Council moved to recommend and request that the Division begin the regulatory process to move the upper boundary of the anchor netting area from Liston Point to the mouth of the Appoquinimink River. Motion made by Mr. Pankowski and seconded by Mr. Smith. Motion passed 4 - 0 with one abstention.

Agenda Item 7. Update on the Joint Multi-council Subcommittee Evaluating Fish and Wildlife Violations/Fines – Chairman Fox stated that the subcommittee held their first meeting in August, with a second meeting scheduled for September. A more detailed update will be given at the next Tidal Finfisheries Advisory Council meeting in November.

Agenda Item 8. Update on Offshore Wind Farms – DNREC Coastal Program. Kristi Lieski, Environmental Scientist, summarized the Federal Consistency process, administered by the DNREC Coastal Program, which gives Delaware input on Federal water activities that will affect Delaware's coastal zone, such as offshore wind power. There are

seven renewable energy lease areas off the Atlantic coast, and the American subsidiary of Ørsted A/S, a large Danish wind energy corporation, is leasing the area off of Delaware named Skipjack Wind Farms. Ørsted will submit a construction plan to the Bureau of Ocean and Energy Management for review in 2019. The power lines from the wind farm would connect to the power grid at the Indian River Power Plant, but the path has not been finalized.

Agenda Item 9. Public Question to Council: Should Delaware Black Drum Recreational Possession Limit (3) Match the Maryland Possession Limit (1)? – DFW. John Clark, Fisheries Administrator, stated that an angler requested that he ask the Council to consider providing input to the Division on whether to change Delaware's current recreational Black Drum possession limit of 3 to match the Maryland possession limit of 1. The Council moved to recommend that Delaware keep its current Black Drum recreational possession limit. Motion made by Mr. Kahl and seconded by Mr. Smith. Motion passed 4 - 0 with one abstention.

Agenda Item 10. Director's Update – David Saveikis, Fish & Wildlife Division Director, informed the Council that HB 6, which streamlines adoption of Delaware tidal finfish regulations, was passed by the General Assembly and signed into law by Governor Carney. Construction of the Little Creek Boat Ramp, Phillips Landing Boat Ramp and Woodland Wharf fishing access areas have been completed. The Masseys Landing bulkhead repair will take place over the fall and winter months. The Division of Watershed Stewardship is scheduled to dredge Masseys Ditch in early 2020. Design and engineering for the Dobbinsville fishing pier will begin upon completion of a Memorandum of Agreement (MOA) with the City of New Castle. An MOA with the City of Wilmington for the Division to reconstruct the 7th Street Boat Ramp has been signed and the design and engineering process will begin soon. The new recreational fishing license plates are now available for \$95 through the Division of Motor Vehicles. The freshwater plate features a largemouth bass and the saltwater plate features a striped bass. Seventy eight plates have been sold to date, bringing in over \$6,000 in revenue to the Division to promote sport fishing.

Suggested Agenda Items for Next Meeting

1. Update from the Subcommittee evaluating fish and wildlife violations/fines.
2. Division of Watershed Stewardship dredging projects update.
3. Black drum update on population decrease.
4. Update on Vibrio.
5. Discuss Summer Flounder possession limit.

The meeting adjourned at 7:40 PM

Respectfully Submitted by



Rebecca Hoover
Recording Secretary